

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JOHN G. SCHINDLER, <i>et al</i> ,	§	
	§	
Plaintiffs,	§	
VS.	§	CIVIL ACTION NO. 2:14-CV-00247
	§	
WELLS FARGO BANK, N.A., AS	§	
TRUSTEE FOR STRUCTURED ASSET	§	
SECURITIES CORPORATION	§	
MORTGAGE PASS-THROUGH	§	
CERTIFICATES, SERIES 2005-NC2,	§	
	§	
Defendant.	§	

ORDER OF DISMISSAL

On May 9, 2014, Plaintiffs filed this case in the 28th Judicial District Court of Nueces County, Texas alleging a quiet title action to invalidate Defendant's home equity lien and to quiet title in the Plaintiffs by declaratory judgment. D.E. 1-1, pp. 8-12. On June 6, Defendant timely removed the action to this Court pursuant to diversity jurisdiction. D.E. 1. On June 13, 2014, Defendant filed its Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(6) alleging that Plaintiffs' "show me the note" theory has been rejected in the law, that the debt was not discharged in Plaintiffs' Chapter 13 bankruptcy proceeding, and that Plaintiffs' allegations are conclusory and without factual support. D.E. 4.

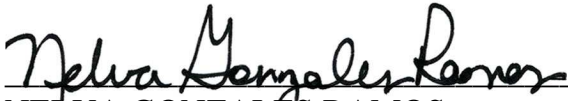
Pursuant to Local Rule 7, motions are submitted for decision 21 days after they are filed and any response is due before that date. Moreover, failure to respond is taken as a representation of no opposition to the relief sought. The submission date for the motion

to dismiss was July 7, 2014. Plaintiffs did not file a response and their counsel has represented to the Court that Plaintiffs do not intend to file a response.

Consequently, the Court has reviewed the pleadings, motion, and the evidence submitted with the motion, and has determined that the grounds stated in the motion are good. Plaintiffs have failed to state a claim upon which relief may be granted.

The Court GRANTS the motion (D.E. 4) and DISMISSES this action WITH PREJUDICE.

ORDERED this 22nd day of July, 2014.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE